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Security Council

Sixty-first year

Provisional

5597th meeting

Monday, 18 December 2006, 3 p.m.

New York

President:	Mr. Al-Nasser	(Qatar)
Members:	Argentina	Mr. Mayoral
	China	Mr. Liu Zhenmin
	Congo	Mr. Biabaroh-Iboro
	Denmark	Ms. Løj
	France	Mr. Lacroix
	Ghana	Nana Effah-Apenteng
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Peru	Mr. Gallardo
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mr. Wolff

Agenda

The situation in the Middle East

Letter dated 12 December 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/962)

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06-66630 (E)

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 12 December 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/962)

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Lebanon and the Syrian Arab Republic, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Ziade (Lebanon) and Mr. Ja'afari (Syrian Arab Republic) took seats at the Council table.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission.

It is so decided.

I invite Mr. Brammertz to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them document S/2006/962, which contains a letter dated 12 December 2006 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the United Nations International Independent Investigation Commission.

I now give the floor to Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission.

Mr. Brammertz: Mr. President, I would like to thank you for the opportunity to present to the Council the fourth report for 2006 of the International Independent Investigation Commission (S/2006/962, annex). The report covers the activities of the Commission between 25 September and 10 December.

As members of the Security Council are aware, the political climate in Lebanon has been volatile during this reporting period. Cabinet minister Pierre Gemayel was assassinated in Beirut on 21 November; large demonstrations have taken place; and the complex discourse surrounding the establishment of a special tribunal for Lebanon is still ongoing. This has had an inevitable impact on the Commission's investigation and security requirements.

The Commission has reached a critical stage in its investigations. In this context, the Prosecutor General of Lebanon and the Commission believe that placing information concerning suspects and witnesses in the public domain would make it difficult for sensitive witnesses to step forward and engage with the Commission and may be prejudicial to future trials before a tribunal. The findings presented in this report have to be understood with those limitations in mind.

The Commission's investigation in the Hariri case has remained focused on developing crime scene evidence and investigating potential perpetrators and their linkage to one another.

Following the collection of forensic evidence at the crime scene in June 2006, the Commission has received a final report from external forensic experts. The report confirms many of the Commission's own hypotheses, for example that there was only one blast and that the Mitsubishi van was the carrier of the improvised explosive device. The expert report also supports the hypothesis that an RDX-based high explosive was used.

Recent forensic results also confirm that it is likely that a person triggered the explosion from within or immediately in front of the Mitsubishi van rather than through the use of a remote-controlled device.

The Commission is also analysing the human parts belonging to the unidentified male believed to be the bomber that were recovered from the crime scene.

Forensic results show that the individual did not spend his youth in Lebanon, but was situated there in the last two to three months before his death. The Commission hopes that, after a second phase of analysis, the specific geographic and ethnic origin of this person can be determined.

Many other aspects of the investigation are ongoing. For instance, the Commission continues to focus on analysing information relating to Ahmed Abu Adass, in order to establish how Abu Adass was identified, where and when that occurred, who may have been involved in organizing his appearance in the video in which he claimed responsibility for the assassination, and what happened to him after the video was made and delivered.

The Commission has also undertaken investigations with regard to individuals associated with Ahmed Abu Adass in Lebanon and elsewhere. The Commission has so far conducted 17 interviews in Syria and Lebanon in connection with this line of enquiry and has held a number of meetings with relevant Syrian and Lebanese officials. It has collected substantial quantities of computer and electronic data — some of which is encrypted or in code — and has visited a number of locations in Syria. This aspect of the investigation will continue during the next reporting period.

The Commission also continues to collect information about the increasing threats against and pressure on Rafik Hariri during the last 15 months of his life. An analysis of this information reveals a number of potential motives to kill Rafik Hariri, the majority of which are in one way or another linked to his political activities. At this stage of the Commission's investigation, a smaller number of motives have emerged as the most plausible.

During the reporting period the Commission has continued to extend technical assistance to the Lebanese authorities in the 14 cases. The Commission has focused in particular on interviewing witnesses associated with the victims of the six targeted attacks. It has thus far conducted 19 interviews in connection with this line of enquiry and has a number of further interviews scheduled for the next reporting period. A considerable number of links between the six cases, and between these cases and the Rafik Hariri case, have emerged from these interviews. These links, which relate to the nature of the attacks, the nature of the victims and the modus operandi of the perpetrators, support the analytical hypotheses discussed in the Commission's report of June 2006 (S/2006/375, annex). The Commission also believes that the motive to attack at least some of the victims was associated with the victims' common objectives and interests, and thus that these attacks may have been linked by a common intent.

On 21 November 2006, Pierre Gemayel, the Minister of Industry, was assassinated. Two days later, following a request from the Lebanese Prime Minister and a decision taken by the Council, the Commission started providing technical assistance to the Lebanese authorities in their investigation of the Gemayel case. The Commission is providing investigative support by helping to identify the perpetrators and the vehicles that were used in the attack. It is also working to reconstruct the modus operandi of the assassins. After seven days of investigation at the crime scene, a total of 250 exhibits were sent to a laboratory for forensic research and analysis. It is the preliminary assessment of the Commission that Minister Gemayel was the subject of surveillance as part of a planned assassination operation against him.

The Commission has continued to cooperate closely with the Lebanese authorities. The Commission is very grateful for all the support it receives from those authorities, especially at a time when the security situation in Lebanon remains highly volatile. The Commission regularly shares with the appropriate Lebanese authorities the substance of all relevant information that it obtains, where necessary in a manner that does not compromise the interest of the source of this information. This information-sharing process is especially important when the information is relevant to individuals who are detained.

The cooperation of the Syrian Arab Republic with the Commission remains generally satisfactory. During the reporting period the Commission submitted 12 formal requests for assistance to Syria and undertook a number of investigation activities and interviews of individuals in Syria. The Commission is satisfied with the timeliness and efficiency of Syria's assistance to the Commission and with the logistical and security arrangements made for its investigation activities on Syrian territory. The Commission will continue to rely on Syria's full cooperation, as this remains crucial to the swift and successful completion of its work.

Since 15 September 2006, 10 new formal requests for assistance have been sent to five different States, bringing the total number of requests sent to States other than Lebanon and Syria since March this year to approximately 60. Although most States have responded positively to the Commission's requests and have actively assisted its work, including by facilitating witness interviews and providing other support and information, some States have provided late or incomplete responses. The lack of responsiveness by certain States has impeded or slowed down the work of the Commission on several fronts. In view of the crucial nature of the information that it seeks to obtain from States and the limited time frame in which it aims to complete its investigative activities, the Commission trusts that it will enjoy full and prompt cooperation from all States during the next reporting period.

The Commission has made progress in the two main areas of its investigation in the Hariri case: developing crime scene evidence and investigating potential perpetrators. Fifty interviews and other types of evidence collection are planned for the next reporting period and, as always, the Commission's objective is to collect evidence that will be admissible before a future tribunal.

The Commission's work on the 14 cases continues to elicit links between each case and to the Rafik Hariri case. Further analysis will be done in the next reporting period to develop these links.

Similarly, the Commission will continue to provide support in the Gemayel case, focusing during this initial period on assisting with identifying those who physically perpetrated the crime and on examining whether links to the other cases exist.

The Commission still faces many challenges. It requires assistance from the United Nations Secretariat in areas such as recruitment, procurement, administration and finance, to facilitate and support the necessary pace of its work. It also needs the continued support of Member States to which it addresses requests for assistance. A delayed response, or worse still a lack of response, to its requests severely hampers the progress of the Commission's work.

Finally, in the light of the proposed creation of a special tribunal for Lebanon, the Commission will realign its objectives and organize its work in a manner that will facilitate the transition to such a tribunal.

The Commission hopes and trusts that it will be able to continue to count on the Security Council's support in carrying out its mandate.

The President (*spoke in Arabic*): I thank Mr. Brammertz for his briefing.

I shall now call on the representative of Lebanon.

Ms. Ziade (Lebanon) (*spoke in Arabic*): The Security Council is meeting today to discuss the report of the International Independent Investigation Commission on the assassination of the martyr leader Rafik Hariri and his companions. This is an occasion to reaffirm the importance of the United Nations follow-up to that fundamental and vital issue in Lebanon.

The professional and solid work of Mr. Brammertz and his team is further consolidated by the current report, as it was by previous ones. The report provides additional evidence of the painstaking methodology being used to pursue the investigation and to achieve the progress reflected in the sure and firm advances towards the universally desired objective.

Lebanon has repeatedly, and in the person of every one of its officials, expressed its full confidence in the Commission's work and ability to attain the truth. The diverse political scene in my country represents an amalgam of disparate ways of identifying the truth — the whole truth — surrounding the assassination of the martyr leader Rafik Hariri and his companions and the crimes that preceded and followed it.

Believing in the role of the International Independent Investigation Commission and its noble objectives, the Government of Lebanon continues to offer all necessary assistance to the Commission and to follow the progress achieved in the investigation as it reaches the important milestone of unmasking the perpetrators of the crimes and bringing them to justice before an international court. The draft statute of such a court has been drawn up, as has the memorandum of understanding to be signed between the United Nations and the Lebanese Government, in accordance with the constitutional mechanism in place in Lebanon.

The efforts of the International Independent Investigation Commission and the formation of the international tribunal will break the cycle of violence that has gripped Lebanon, most recently in the assassination of the martyred minister Pierre Gemayel,

whose murder the Security Council speedily added to the Commission's mandate. This will deter anyone who would dare to disturb the civil peace that the whole Lebanese society has striven to establish and preserve, with the support of the international community.

In conclusion, the Government of Lebanon deeply appreciates the efforts of Mr. Brammertz and his team, and reaffirms its determination to offer every possible assistance to his mission. It expresses its complete satisfaction with the Security Council's resolve to extend Mr. Brammertz's mandate for an additional six months and his acceptance of the extension. That is further testimony to the efforts being made by the Security Council and the Commission to reach their goal of seeing justice done.

The President (*spoke in Arabic*): I give the floor to representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to congratulate you, Sir, and your brotherly country for the skilful way in which you are guiding the Security Council's work this month.

I should also like to welcome Mr. Serge Brammertz, head of the International Independent Investigation Commission, who has submitted his fourth periodic report.

We have studied the report and taken note of the positive information it contains concerning Syria's ongoing efforts to meet its commitments and cooperate with the Commission. The report clearly indicates that Syrian cooperation with the Commission has been satisfactory, effective and timely, reflecting again my country's concern, from day one until today, to ensure that the Commission can complete its work.

I wish once again to reaffirm before the Council that the Syrian Arab Republic's cooperation with the International Independent Investigation Commission stems from our desire to uncover the truth about the assassination of former Lebanese Prime Minister Rafik Hariri and to identify the perpetrators and the masterminds of the crime.

In that regard, we note that our cooperation with the Commission has extended to all areas of its inquiry. Mr. Brammertz's fourth report shows that Syria has cooperated on several fronts and has responded to the investigators' many requests to reveal the desired truth. The Syrian judicial commission has provided the International Independent Investigation Commission with all the information that it has extracted from the inquiries being carried out by the appropriate Syrian authorities with regard to Mr. Hariri's assassination.

Syria hopes that the investigation will continue and that, on the basis of the three previous reports, it will lead to identifying those who perpetrated that crime. In that context, we reiterate our repeated affirmation that the greatest threat to the investigation lies in the fact that certain parties in and beyond our region are exploiting it in order to politicize conclusions that are entirely unrelated to the investigation and that are not based on firm evidence. There is also a danger that certain parties may provide uncorroborated information, prevent some witnesses from being investigated, and draw conclusions that have no bearing on the rationale and objective of the Commission's establishment. The report points out that much remains to be done to uncover the truth before we can achieve the desired outcome.

Syria notes that the Commission has set out new hypotheses with regard to the assassination of former Prime Minister Rafik Hariri and the circumstances and motives surrounding that assassination. We wish to reiterate the need to examine all of the existing evidence in a very careful manner, in line with international criteria for a criminal investigation. We must also reveal the truth regarding those who organized the crime. In this regard, we call upon all States — in particular those who are requesting, through the media, that the entire truth be revealed — to assume their own responsibilities through complete cooperation with the International Independent Investigation Commission, and we ask them not to give safe refuge to suspects or witnesses who have lost their credibility.

My delegation calls upon the 10 other States referred to by Mr. Serge Brammertz, who have not yet cooperated with the Commission, to do so immediately. We would have liked to have the names of those States that have not cooperated so far with the Commission, because the media in some countries have continued to make comments about Syria, despite our continued and effective cooperation with the Commission.

We do not wish to discuss the details of the investigation, in order not to prejudge the investigation, which must be independent, neutral, objective and free from any political interference.

We believe that the International Independent Investigation Commission should also investigate the assassination of the al-Majdhoub brothers in order to explain the link between that crime and the other crimes. We know that the assassination of the two Majdhoub brothers is an integral part of the Commission's mandate. The extensive mandate covers the provision of technical assistance to clarify the circumstances of the terrorist attacks that targeted Lebanese public figures who were influential in the political and media spheres from 2004 until the November 2006 terrorist attack against Pierre Gemayel, the Minister of Industry of Lebanon. The extension of the mandate could help to illuminate those crimes and previous crimes, as well as crimes that followed.

The Syrian delegation agrees with the necessity to maintain the confidentiality of the investigation. We appreciate that and call for it to continue, because confidentiality is closely linked with the impartiality of the inquiry, in its efforts to achieve concrete and credible conclusions.

Syria also believes that we must ensure that the investigation has the time needed to find and obtain real evidence that cannot be used for political purposes or be subject to unfounded interpretations. We assert here that Syria will continue its cooperation with the International Independent Investigation Commission and will provide any available information, along with the results of the investigations being carried out by the Syrian authorities on the assassination of Mr. Hariri.

Finally, we reassert here today that Syria is committed to cooperating with the International Independent Investigation Commission in a professional, neutral and responsible manner. We are very keen that the truth be revealed; that will serve the interests of Syria.

The President (*spoke in Arabic*): I thank the representative of Syria for his statement. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 3.45 p.m.